

**FILED****UNITED STATES DISTRICT COURT**

for the

16 MAR 25 AM 10:13

Southern District of Ohio

SHARON L. OVINGTON  
UNITED STATES  
MAGISTRATE JUDGE

United States of America

)

v.

)

THOMAS DIMASSIMO

)

Case No. 3:16-cr-37

Defendant

)

**APPEARANCE BOND****Defendant's Agreement**

I, Thomas DiMassimo (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (  ) to appear for court proceedings;  
 (  ) if convicted, to surrender to serve a sentence that the court may impose; or  
 (  ) to comply with all conditions set forth in the Order Setting Conditions of Release.

**Type of Bond**

- (  ) (1) This is a personal recognizance bond.
- (  ) (2) This is an unsecured bond of \$ \_\_\_\_\_.
- (  ) (3) This is a secured bond of \$ \_\_\_\_\_, secured by:  
     (  ) (a) \$ \_\_\_\_\_, in cash deposited with the court.  
     (  ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
*(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):*  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (  ) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):  
     \_\_\_\_\_  
     \_\_\_\_\_  
     \_\_\_\_\_

**Forfeiture or Release of the Bond**

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

### Declarations

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 3-25-16

  
Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Date: 3/16/16

Approved.

Date: 3/16/16

  
Issuing officer's signature

Richard W. Nagel, Clerk, U.S. District Court

Printed name and title



  
Judge's signature

**UNITED STATES DISTRICT COURT**  
for the  
Southern District of Ohio  
Western Division At Dayton

United States of America )  
v. )  
 ) Case No. 3:16CR37  
 )  
Thomas DiMassimo )

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release be subject to the following conditions:

- (1) The defendant must not violate any federal, state, or local law while on release.
- (2) The defendant must report immediately to the Pretrial Services Officer every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (3) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (4) The defendant must immediately advise the court and defense counsel in writing before making any change of residence or telephone number.
- (5) The defendant must appear in court as required and must surrender as directed to serve any sentence imposed.

The defendant must appear at (*if blank, to be notified*) \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released on condition that:

- (  ) (6) The defendant promise to appear in court as required and surrender to serve any sentence imposed.
- (  ) (7) The defendant execute an unsecured bond binding the defendant to pay to the United States the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_ ) in the event of a failure to appear as required or surrender to serve any sentence imposed.

### ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community,

IT IS FURTHER ORDERED that the defendant's release be subject to the conditions marked below:

- (8) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is organization) \_\_\_\_\_

City and State \_\_\_\_\_ Tel. No. (only if above is an organization) \_\_\_\_\_

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: \_\_\_\_\_  
*Custodian or Proxy* \_\_\_\_\_ Date \_\_\_\_\_

- (9) The defendant must:

(a) submit to supervision and report for supervision to the \_\_\_\_\_, telephone number \_\_\_\_\_, no later than As directed.

(b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum  
of money or designated property: \_\_\_\_\_

(c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum \_\_\_\_\_.

(d) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_.

(e) continue or actively seek employment.

(f) continue or start an education program.

(g) surrender any passport to: \_\_\_\_\_

(h) not obtain a passport or other international travel document.

(i) abide by the following restrictions on personal association, residence, or travel:  
Remain in the Southern District of Ohio.

(j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:

(k) get medical or psychiatric treatment: If directed by U.S. Pretrial Services.

(l) return to custody each (week) day at \_\_\_\_\_ o'clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s):  
\_\_\_\_\_

(m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(n) not possess a firearm, destructive device, or other dangerous weapons.

(o) not use alcohol  at all  excessively.

(p) not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(q) submit to testing for a prohibited substance if required by the pretrial services office or the supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance screening or testing.

## ADDITIONAL CONDITIONS OF RELEASE

- ( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ( ) (s) participate in one of the following location restriction programs and comply with its requirements as directed:
- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by pretrial services office or supervising officer; or
- ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or
- ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ( ) (t) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided, as follows:
- ( ) You must pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- ( ) (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
- ( ) (ii) Radio Frequency (RF) monitoring;
- ( ) (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ( ) (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ( ) (v) Voice Recognition monitoring.
- ( ) (u) **Computer Monitoring.** Participate in Computer Monitoring with the following conditions and abide by its requirements as the pretrial services officer or supervising officers instructs.
- ( ) (i) provide Pretrial Services with accurate information about the defendant's entire computer system, hardware/software; all passwords used by the defendant; and the defendant's internet service providers.
- ( ) (ii) comply with the requirements of the U.S. Pretrial Services Computer Monitoring Program as directed. The defendant will permit the U.S. Pretrial Services Office to conduct ongoing monitoring of his/her computer(s), hardware, and software, and all electronic devices/ media. The monitoring will include the installation of software that allows evaluation of his/her computer use, as well as the utilization of equipment designed to locate Wi-Fi service. U.S. Pretrial Services will conduct unannounced examinations and/or monitoring of the computer. The cost of the monitoring program will be at the defendant's expense unless it is determined that the defendant does not have the financial resources.

### **Additional Specific Computer Monitoring Conditions**

- ( ) (iii) not possess or have access to any computer or any device with internet capabilities (including but not limited to cellular telephones, gaming systems, etc). Further the defendant is prohibited from having access to any "on-line" computer service at any location, which includes any Internet service provider, bulletin board system, or any other public or private network or e-mail system, without prior approval of the Court.

**ADDITIONAL CONDITIONS OF RELEASE**

- ( ) (iv) The defendant is prohibited from access to any "on-line" computer services at any location, including employment or education, without prior approval of the Court. This includes any Internet Service Provider, bulletin board system or any other public or private computer network.
- ( ) (v) The defendant is permitted access to the computer and the Internet and will comply with the Computer Monitoring Program.

( ) (v) \_\_\_\_\_

\_\_\_\_\_

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT: Thomas DiMassimo

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court which could result in imprisonment, a fine, or both.

While on release, if you commit a federal offense, you will receive an additional consecutive prison term of not more than ten years if the offense is a felony and not more than a year if the offense is a misdemeanor.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

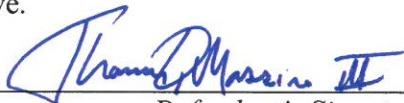
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

1920 Cimarron Circle

Address

Fairborn OH 45324

City and State

(770) 243-9250

Telephone Number

**Directions to the United States Marshal**

- (  ) The defendant is ORDERED released after processing.  
(  ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 03/25/2016



*Sharon L. Ovington*  
\_\_\_\_\_  
*Judicial Officer's Signature*

United States Magistrate Judge Sharon L. Ovington

*Printed name and title*